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RE Serial No.: 10602495 Corrected Preliminary

### COVER MESSAGE

This facsimile contains nineteen (19) pages including this cover sheet.

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PATENT APPLICATION

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted herewith via facsimile transmission to Telephone No. (571) 273-8300 on the date indicated below and is addressed to: Mail Stop AMENDMENT, Commissioner for Patents, Box 1450, Alexandria, Virginia 22313-1450.

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Mark S. Peloquin, Esq.  
Mark S. Peloquin, Esq.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3751

In re: Darrell James Shelton  
Application No.: 10/602,495  
Attorney Docket No.: M5015.P001  
Filed: June 23, 2003  
For: SUPPORT APPARATUS FOR A HUMAN AND METHOD OF USE

FACSIMILE TRANSMITTAL

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith for filing are the following:

1. Transmittal Form PTO/SB/21 (1 pg)
4. Corrected Preliminary Amendment (16 pg)

A total of 18 pages, including this facsimile transmittal are being submitted herewith:

Respectfully Submitted,  
PELOQUIN, PLLC

Date: November 10, 2005

Mark S. Peloquin, Esq.  
Mark S. Peloquin, Esq.  
Registration No. 50,787

NOV 10 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/602,495
	Filing Date	June 23, 2003
	First Named Inventor	Darrell James Shelton
	Art Unit	3751
	Examiner Name	Huynh, Khoa D
	Attorney Docket Number	M5015.P001
Total Number of Pages in This Submission	18	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	PELOQUIN, PLLC		
Signature	<i>Mark S. Peloquin, Esq.</i>		
Printed name	Mark S. Peloquin, Esq.		
Date	November 10, 2005	Reg. No.	50,787

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Mark S. Peloquin, Esq.</i>		
Typed or printed name	Mark S. Peloquin, Esq.	Date	November 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/602,495  
Corrected Preliminary Amendment submitted with Response to Restriction dated: November 10, 2005  
In Reply To Office Action dated: September 30, 2005 & Notice of Non-Compliant Amendment 37CFR1.121  
Facsimile transmitted to the USPTO (571) 273-8300

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/602,495  
Attorney Docket No.: M5015.P001  
Applicant : Darrell James Shelton  
Filed : June 23, 2003  
TC/A.U. : 3751  
Examiner : Huynh, Khoa D  
Confirmation No. : 2225

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CORRECTED PRELIMINARY AMENDMENT**

Sir:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121), mailed on November 2, 2005 Applicant submits this corrected preliminary amendment.

In response to the Restriction Requirement of September 30, 2005, and the subsequent telephonic interviews of October 18, 2005, October 19, 2005 and email correspondence of October 20, 2005, Applicant submits this corrected preliminary amendment and amends the above-identified application as follows:

**Response to Election/Restriction**

In accordance with the telephonic interviews conducted on October 18, 2005, October 19, 2005 and email communications of October 20, 2005,

Appl. No. 10/602,495  
Corrected Preliminary Amendment submitted with Response to Restriction dated: November 10, 2005  
In Reply To Office Action dated: September 30, 2005 & Notice of Non-Compliant Amendment 37CFR1.121  
Facsimile transmitted to the USPTO (571) 273-8300

Applicant amends claims 46 and 60 to facilitate removal of all restriction requirements including the restriction requirement issued on September 30, 2005. Accordingly, Applicant requests that claims 51-53, 60-67, 75-113 be entered for examination as agreed to by Examiner Huynh during the telephonic interviews referenced above.

#### **Election of Species**

Applicant elects Species IV for examination. All pending claims, i.e., 45-53, 60-67, and 75-113 are readable thereon as agreed during the telephonic interviews of October 18, 2005 October 19, 2005, and the email communication of October 20, 2005.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 15 of this paper.